

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda November 25, 2014 7:00 P.M.

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Call to Order- Council

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilwoman Lourdes Lozano

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

### **Presentations –**

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a

resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on November 13, 2014. (OFFICE OF THE CITY CLERK)
- B.** Request from San Lazaro Catholic Church for a procession permit, to host the procession on Wednesday, December 17, 2014, commencing at 7:45 p.m., beginning on church grounds, 4400 West 18 Avenue, Hialeah, Florida, traveling from West 44 Place to West 16 Avenue, West 16 Avenue to West 42 Street, West 42 Street to West 18 Avenue, and West 18 Avenue ending at church grounds, in accordance with recommendations from the Police and Fire Departments. (OFFICE OF THE CITY CLERK)
- C.** Request ratification of purchase order #2015-8, issued to Super Landscape & Maintenance, Inc., pursuant to RFQ #2011/12-3210-12-010 awarded by the City Council to this vendor on September 25, 2012, for grounds maintenance for fiscal year 2014-2015, in a total cumulative amount not to exceed \$300,000. (DEPT. OF PARKS & RECREATION)
- D.** Request permission to reject Hialeah Bid # 2014/15-3230-00-012 – New Emergency Center – Structural / Building Hardening, since it is advantageous to the City in that only one bid was received and it exceeds the City’s budget. Further request permission to obtain quotations for this project. (CONSTRUCTION & MAINTENANCE DEPT.)
- E.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement with the State of Florida, Department of Economic Opportunity to receive and disburse funds appropriated by the Florida Legislature to construct a new two-story building to accommodate the increased school enrollment of the City of Hialeah Educational Academy, for a term commencing on July 1, 2014 and ending on June 30, 2015, in an annual amount not to exceed \$500,000.00, in substantial conformity with the agreement attached hereto and made part hereof as Exhibit “1”; providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)
- F.** Proposed resolution accepting a grant in the amount of \$750,000 from the State of Florida, Division of Emergency Management, pursuant to the terms and conditions of the agreement, a copy of which is attached and made a part hereof as Exhibit “1”, for a term commencing on July 1, 2014 and ending on May 15, 2016, for remodeling of the 911 Communications Building, to serve as an Emergency Operations Center, ratifying the Mayor’s acceptance of the grant and execution of agreement on October 15, 2014, and further authorizing the Mayor and the City Clerk, as attesting witnesses, on behalf of the City, to execute all other documents necessary to carry out the City’s intent in accepting the grant; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)
- G.** Request permission to utilize Lake County, Florida Contract # 12-0806O, and issue a two purchase orders to TEN-8 Fire Equipment Company, Inc., one purchase order to purchase fire suppression tools and equipment, and the second purchase order to pay invoices for

mechanical repairs for fire suppression equipment, in a total cumulative amount not to exceed \$30,000 for both purchase orders. (FIRE DEPT.)

- H.** Request permission to utilize Osceola County, Florida Bid No.# AR-13-03437-CV, and issue a purchase order to Municipal Emergency Services, Inc., to purchase fire department uniforms, in a total cumulative amount not to exceed \$8,000. (FIRE DEPT.)
- I.** Request permission to issue a purchase order to Municipal Emergency Services, Inc., vendor providing the lowest quote, to purchase fire suppression tools and appliances, in a total cumulative amount not to exceed \$15,000. (FIRE DEPT.)
- J.** Request permission to issue a purchase order to Municipal Emergency Services, Inc., sole source vendor, to purchase fire suppression foam, in a total cumulative amount not to exceed \$15,000. (FIRE DEPT.)
- K.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to All Uniform Wear Corp., to purchase uniforms for fire and dispatch personnel, in a total cumulative amount not to exceed \$25,000. (FIRE DEPT.)
- L.** Request permission to issue a purchase order to Municipal Emergency Services, Inc., vendor providing the lowest quotation, to purchase fire department uniforms, in a total cumulative amount not to exceed \$15,000. (FIRE DEPT.)
- M.** Proposed resolution ratifying and approving supplemental appropriations to the annual budget for fiscal year 2013-2014, revising the budget to supplement revenues within the Hayes Fund, Parks Grant and Impact Fee Fund, ECS & Library Grants Fund, and within the Capital Project Fund West 24 Avenue from 60<sup>th</sup> to 68<sup>th</sup> Street with balanced expenditures, in the amounts listed in Exhibit "1". (OFFICE OF MANAGEMENT & BUDGET)
- N.** Proposed resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, and in particular, the Streets Transportation Fund, Emergency Solutions Grant Fund, Fire Rescue Transport Fund, Home Investment Partnership Program Fund, State Housing Initiative, Affordable Housing Fund, EMS Grant, Building Department Fund; within Capital Project Funds, and in particular Road Construction-2012 Bond, and within Enterprise Funds and in particular, Public Works Fund-Solid Waste Division, Public Works Fund-Water & Sewers Division and Stormwater Utility Fund, all as summarized and itemized in the schedule attached as Exhibit "1" and made a part hereof. (OFFICE OF MANAGEMENT & BUDGET)
- O.** Proposed resolution adopting a revised fee schedule for applications for variances, rezoning, zoning letters, and other services and activities performed by the Planning Division, a copy of which is attached as "Exhibit A"; and providing for an effective date. (PLANNING & ZONING DIV.)
- P.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Miami Beach as a participating

municipal police department to provide for the requesting and rendering of assistance for routine and intensive law enforcement situations from the effective date of the agreement through December 31, 2018. (POLICE DEPT.)

- Q.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the School Board of Miami-Dade County, by and through the school police, as a participating municipal police department to provide for requesting and rendering assistance for routine and intensive law enforcement situations from the effective date of the agreement through January 1, 2020. (POLICE DEPT.)
- R.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the Miami Shores Village as a participating municipal police department to provide for requesting and rendering assistance for routine and intensive law enforcement situations from the effective date of the agreement through January 1, 2020. (POLICE DEPT.)
- S.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of North Miami Beach as a participating municipal police department to provide for the requesting and rendering of assistance for routine and intensive law enforcement situations from the effective date of the agreement through January 1, 2018. (POLICE DEPT.)
- T.** Request permission to issue a purchase order to Smith Scale, Inc., to purchase four (4) wheel scales to provide the Traffic Homicide Unit with the exact weight measurement on vehicles, in a total cumulative amount not to exceed \$5,534.00 to be expended from the Law Enforcement Trust Fund State account. (POLICE DEPT.)
- U.** Request permission to ratify a purchase order issued to Power Depot, Inc., sole source vendor, on November 17, 2014, to remove and install a new radiator in the Fire Department generator, in the amount of \$29,102.15. Further request permission to increase purchase order #2015-448, issued to Power Depot, Inc., sole source vendor, to purchase generator electrical parts and services, by an additional amount of \$25,000, for a total cumulative amount not to exceed \$30,000. (PURCHASING DIVISION)
- V.** Proposed resolution authorizing the Mayor or designee to renew insurance coverage through Keen, Battle, Mead & Company for calendar year 2015 in an estimated amount not to exceed \$66,492.48 for fire, windstorm and other covered perils coverage and inland marine coverage for the Department of Public Works and its water and sewer distribution facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT)
- W.** Proposed resolution authorizing the Mayor or designee to renew health insurance coverage with HCC Life Insurance Company, and Indiana Corporation, through MDW Insurance Group for calendar year 2015 at a rate of \$3.73 for each employee/retiree for each month for aggregate stop loss coverage in order for the insurance carrier to pay the City up to \$1,000,000.00 if paid claims exceed the predetermined aggregate stop loss attachment point and renew health insurance coverage for calendar year 2015 at a rate of

\$11.09 for single coverage and \$38.80 for family coverage for each employee/retiree for each month for specific excess coverage with no lifetime maximum, for a total annual amount not to exceed \$450,000.00 for calendar year 2015. (RISK MANAGEMENT)

- X. Request from Quantum Alliance, Inc., 5805 Blue Lagoon Drive, Suite 280, Miami, Florida 33126, for a permit to host a sign-up and registration event for the Federal Affordable Care Act program at the northeast corner of Hialeah Park located at 2200 East 4<sup>th</sup> Avenue, from December 1, 2014 through April 15, 2015 from 8:00 a.m. to 9:00 p.m., subject to the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK)
3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning” of the Code of Ordinances and in particular amending Hialeah Code § 98-2122 entitled “Electric Fences” creating an exception from the prohibition for property in districts zoned Industrial (M); providing for height, a perimeter non-electrically charged fence surrounding the electric fence, warning signs and other restrictions applicable to electric fences; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

*Item was approved on first reading during the Council Meeting of November 13, 2014.*

*Item was heard on first reading during the Council Meeting of October 28, 2014, but no vote was taken on the item as it was agreed that the proposed ordinance would be amended.*

*Item was withdrawn from the City Council Meeting agenda of October 14, 2014.*

*Item was approved by the Planning and Zoning Board on October 8, 2014.*

4. Proposed resolution in support of all necessary amendments to the City of Hialeah Comprehensive Plan and Zoning Code to allow for a Transit Oriented Development Overlay District (“TOD”) that will promote and encourage pedestrianism, mobility and transit ridership through vertical and horizontal mixed use development of an area limited to within .8 miles from the Hialeah Market Station/Tri-Rail Station as the concept is advanced in the proposed regulations attached as “Exhibit 1”; and authorizing the Mayor to take all necessary steps to study the feasibility of creating a Community Redevelopment Agency (“CRA”), including a finding of necessity study, to create a redevelopment plan consistent with a harmonious with the objectives of the Transit Oriented Development Overlay District. (ADMINISTRATION)
5. Discussion of the proposed competitive solicitation for residential garbage collection services.

*This item was approved for discussion during the Council Meeting of November 13, 2014.*

6. Pursuant to Section 2-815.1 of the City of Hialeah Code, Felix Lasarte, Esq., with the Lasarte Law Firm, in representation of World Waste Recycling, Inc., protests to the City Council a decision of the City's Evaluation and Selection Committee selecting the companies qualified to provide solid waste collection services to the City in response to City of Hialeah Request for Qualifications No. 2013/14-9500-00-008. **ITEM WAS POSTPONED UNTIL THE COUNCIL MEETING OF NOVEMBER 25, 2014.**

**REPORT: The following documents were introduced into evidence by the Acting City Attorney, Lorena Bravo, and admitted into evidence by the Acting City Clerk.**

- **Exhibit 1:** Request for Qualifications: Solid Waste Collection Services RFQ No. 2013-14-9500-00-008
  - **Exhibit 2:** Addendum No. 1, 2, 3 and 4 to the Request for Qualifications
  - **Exhibit 3:** City's Advertisement – August 5, 2014
  - **Exhibit 4:** Memorandum from Ms. Bravo to the Mayor and the City Council regarding the Report of the Selection Committee
  - **Exhibit 5:** City's Notice of Public Meeting – October 6, 2014 and the transcript of the public meeting
  - **Exhibit 6:** City's Notice of Public Meeting – October 16, 2014 and the transcript of the public meeting
  - **Exhibit 7:** Resume of Armando Vidal
  - **Exhibit 8:** Professional experience and relevant project experience of Allison S. Trulock, HDR One Company
  - **Exhibit 9:** Memorandum from David S. Dee, Gardner, Bist, Wiener, Wadsworth, Bowden, Bush, Dee, LaVia & Wright, P.A., Attorneys at Law, to Ms. Bravo regarding Hialeah's Request for Qualifications for Solid Waste Collection Services
  - **Exhibit 10:** Pre-Proposal Conference Sign in Sheet
  - **Exhibit 11:** City of Hialeah's Tab Sheet and RFQ packages submitted by each company in response to Bid No. 2013-14-9500-00-008
7. Board Appointments –
  8. Unfinished Business –
  9. New Business –
  10. Comments and Questions –

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants:** Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

### **ZONING**

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a lot coverage of 32.6%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-2056(b)(2). **Property located at 355 West 13 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq.; Registered Lobbyist: Ceasar Mestre, Esq.*)

*Item was postponed during the Council Meeting of October 28, 2014 until November 25, 2014.*

*Item was continued, per the applicant's request, during the City Council meeting of August 12, 2014 until further notice from the applicant.*

*Item was approved by the City Council during first reading on June 24, 2014.*

*Item was approved by the Planning and Zoning Board on June 11, 2014.*

- PZ 2.** First reading of proposed ordinance rezoning property from R-2 (One- and Two-Family Residential District) to P (Parking District) to be used for overflow parking. **Property located at 402 East 41 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Barbara De La Caridad Hernandez Navarro*)

*The item was approved by the Planning and Zoning Board on November 12, 2014.*

- PZ 3.** First reading of proposed ordinance rezoning property from R-1 (One Family Residential District) to CR (Commercial Residential District) and granting a Variance Permit to allow a lot coverage of 49.7%, where a maximum of 45% is allowed, to allow 18% of open space, where at least 20% is required, and to allow 1 parking space, where 5 are required, contra to Hialeah Code §§ 98-879(b), 98-882(2)a. and 98-2189(4)j. **Property located at 17 West 17 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Lourdes M. Cochez*)

*The item was approved by the Planning and Zoning Board on November 12, 2014.*

**NEXT CITY COUNCIL MEETING: Tuesday, December 9, 2014 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: December 9, 2014 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).